IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3041 OF 2005

Ram @ Gotu Hiralal Bhagat. ... Applicant.
Versus.
The State of Maharashtra. ... Respondent.

Shri Rajiv Sawant for the Applicant.

Shri A.S.Gadkari, A.P.P. for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 15th June, 2005.

P.C.:

1. Heard the learned Counsel appearing for the Petitioner. There is a typographical error in order dated 9th June 2005. The last word in paragraph 1 of the said order should be read as "injured victim" instead of deceased.

2. In this case samples were sent to the Regional Forensic Science Laboratory at Nashik on 28th December 2004. The samples were received on 30th December 2004. A report is submitted today by the Assistant Analyser of the Regional Forensic Science Laboratory at Nashik that the case was taken up for analysis on 1st February 2005 on priority basis and analysis was completed on 29th April 2005. Due to non-availability of staff, the report could not be immediately typed. It is stated in the report that the total period taken for completion of analytical work is about 3 to 4 months is quite

reasonable.

3. In many cases this Court noted that there is a gross delay in the Regional Forensic Science Laboratory for analysing the samples. It cannot be said that the delay is on account of the members of the staff working in the said Laboratory. Primafacie it appears that main cause for the delay is that Laboratories are understaffed and there is lack of infra-structure. This Court has come across number of cases where due to delay in the Regional Forensic Science Laboratory result of the analysis was inconclusive. This Court, therefore, requested the learned Associate Advocate General to appear in the matter and to look into this aspect. The learned Associate Advocate General has agreed to look into the aspect and to submit a report after two weeks. Therefore, though this Application is being disposed of today, the same will appear after two weeks under the caption of directions.

4. Offence has been registered against the Applicant and another accused punishable under sections 307, 504, 34 of the IPC and section 135 of the Bombay Police Act. Admittedly the investigation is complete and charge sheet has been filed long back. The case of the prosecution is that the Applicant is Accused No.1 and one Pandharinath is the Accused No.2. The said Pandharinath gave a blow of chopper on the wrist of the

victim causing serious bleeding injury to the victim. The allegation against the Applicant is that when the Accused No.2 assaulted the victim, the Applicant had caught hold of his hands. The case of the prosecution is that the clothes on the person of the Applicant at the relevant time were seized and were having blood stains. The clothes were sent to the Regional Forensic Laboratory for analysis and the learned A.P.P. states that the report of the Laboratory is that there are no blood stains on the clothes.

5. After having heard the learned Counsel appearing for the Applicant and the learned A.P.P., I find that considering the role alleged against the Applicant and considering the report of the Chemical Analyser, a case is made out for grant of bail. There is nothing on record to show any criminal antecedents of the Applicant.

6. Hence the following order is passed:

(i) The Applicant shall be enlarged on bail in connection with C.R.No.97/2004 registered at Igatpuri Police Station, subject to the Applicant furnishing P.R.Bond in the sum of Rs.10,000/- with one or two local sureties in the like amount. The bail is granted subject to condition that the Applicant

will not influence the prosecution witnesses and will not make any attempt to tamper with the prosecution evidence. The Applicant will cooperate with the learned trial Judge for early disposal of the trial and in case the trial is delayed due to default on the part of the Applicant, the learned trial Judge will make entry to that effect in the Roznama of the proceedings and the same may be a ground for cancellation of bail.

(ii) Parties to act on authenticated copy of this order.

(iii) S.O. for two weeks in the caption of "Directions".

Judge.